

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHONY THOMAS CHERNETSKY,)

Plaintiff,)

vs.)

STATE OF NEVADA et al.,)

Defendants.)

3:06-cv-00252-RCJ-WGC

ORDER

This Religious Land Use and Institutionalized Persona Act (“RLUIPA”) case arises out of Defendants’ alleged refusal to permit Plaintiff to use certain artifacts during religious rituals and the confiscation of some of those artifacts. The Magistrate Judge submitted a Report and Recommendation (“R&R”) on cross motions for summary judgment, and the parties filed their objections. The Court adopted the R&R in part and rejected it in part. The Court granted summary judgment to Defendants and denied summary judgment to Plaintiff as to claims two through nine. However, as to the first claim for failure to permit the use of an existing, in-use sweat lodge for Wiccan religious rituals, the Court granted summary judgment to Plaintiff in part and to Defendants in part, ruling essentially that Defendants could not deny the use of the sweat lodge to Wiccans under the same conditions that it permitted its use to Native Americans. Both parties asked the Court to reconsider in part. The Court denied the motions.

Defendants have filed a notice of appeal, and Plaintiff has requested an extension of time to file his own notice of appeal and has also asked the Court to enter declaratory judgment and an injunction. The Court grants Plaintiff’s motion for an extension. Plaintiff’s motion was timely

1 filed within thirty days of the Court's ruling on the motions to reconsider. *See* Fed. R. App. P.
2 4(a)(1)(A), 4(a)(4)(A)(iv, vi), 4(a)(5)(A)(i). The Court may only grant a fourteen-day extension.
3 *See* Fed. R. App. P. 4(a)(5)(C). The Court denies Plaintiff's other motion. Judgment has been
4 entered on terms described in the March 7, 2014 order. No further declaration or injunction is
5 required, and the Court lacks jurisdiction to alter its judgment now that the Court of Appeals has
6 docketed Defendants' appeal and there is no longer any pending motion to reconsider.

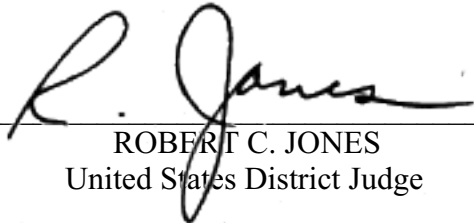
7 **CONCLUSION**

8 IT IS HEREBY ORDERED that the Motion to Extend Time (ECF No. 176) is
9 GRANTED. Plaintiff may file his notice of appeal within fourteen (14) days of the entry of this
10 order into the electronic docket.

11 IT IS FURTHER ORDERED that the Motion for Declaratory and Injunctive Relief (ECF
12 No. 177) is DENIED.

13 IT IS SO ORDERED.

14 Dated this 9th day of January, 2015.

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17 ROBERT C. JONES
18 United States District Judge
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